

**§ 332.403 Selective certification.**

When there is no register appropriate as a whole for the certification of eligibles for a particular position, OPM may prepare a certificate from the most nearly appropriate existing register by the selective certification of eligibles qualified for the particular position in the order of their ranking on the register. Special overseas selection factors may also be used as a basis for selective certification from a register used for filling overseas positions. When appropriate, OPM may rerate the eligibles on the register on the basis of the particular requirements of the position.

**§ 332.404 Order of selection from certificates.**

An appointing officer, with sole regard to merit and fitness, shall select an eligible for:

- (a) The first vacancy from the highest three eligibles on the certificate who are available for appointment; and
- (b) The second and each succeeding vacancy from the highest three eligibles on the certificate who are unselected and available for appointment.

**§ 332.405 Three considerations for appointment.**

An appointing officer is not required to consider an eligible who has been considered by him for three separate appointments from the same or different certificates for the same position.

**§ 332.406 Objections to eligibles.**

(a) An appointing officer is not required to consider an eligible to whose certification for the particular position he makes an objection that is sustained by OPM for any of the reasons stated in § 339.101 or § 731.201 of this chapter or for other reasons considered by OPM to be disqualifying for the particular position. OPM may also sustain an objection to certification of an otherwise qualified eligible for an overseas position on the basis of special overseas selection factors.

(b) An appointing officer may not pass over a preference eligible to select a non-preference eligible unless an objection to the preference eligible is sustained by OPM.

(c) Pending OPM action on an agency's objection to an eligible, the agency may not appoint an eligible who would be within reach only if the objection is sustained.

(d) Paragraphs (b) and (c) of this section, do not apply if the agency has more than one position to fill from the same certificate and holds a position for the individual objected to in the event OPM does not sustain the objection.

(e) Agencies shall follow the procedures for objecting to an eligible published by OPM in its operating manuals.

[42 FR 61240, Dec. 2, 1977, as amended at 66 FR 66710, Dec. 27, 2001]

**§ 332.407 Restriction of consideration to one sex.**

An appointing officer may not restrict his consideration of eligibles or employees for competitive appointment or appointment by noncompetitive action to a position in the competitive service to one sex, except in unusual circumstances when OPM finds the action justified.

[34 FR 5367, Mar. 19, 1969. Redesignated at 42 FR 61240, Dec. 2, 1977]

**PART 333 [RESERVED]****PART 334—TEMPORARY ASSIGNMENTS UNDER THE INTERGOVERNMENTAL PERSONNEL ACT (IPA)**

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AUTHORITY: 5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971-1975)

SOURCE: 71 FR 54565, Sept. 18, 2006, unless otherwise noted.

**§ 334.101 Purpose.**

The purpose of this part is to implement title IV of the Intergovernmental